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October 23, 2001

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Commissioner for Patents
Washington, D.C. 20231

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Via Hand-Carry
Art Unit 1636

Re: U.S. Utility Patent Application
Appl. No. 09/907,900; Filed: July 19, 2001
For: **Recombinational Cloning Using Nucleic Acids Having Recombination Sites**
Inventors: Hartley *et al.*
Our Ref: 0942.285000D/BJD/MTT

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement (*in duplicate*);
2. List of cited documents on Form PTO-1449 (61 sheets);
3. Copies of documents cited on Form PTO-1449 (249 references); and
4. One (1) Return Postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
October 23, 2001
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

BJD/MTT/dnk
Enclosures

Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hartley *et al.*

Appl. No. 09/907,900

Filed: July 19, 2001

For: **Recombinational Cloning Using
Nucleic Acids Having
Recombination Sites**

Art Unit: 1636 #6

Examiner: *To be assigned*

Atty. Docket: 0942.285000D/BJD/MTT

Information Disclosure Statement

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Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, in regards to non-English language documents AN4 and AL5 cited on Form PTO 1449:

Document AN4, published PCT WO 98/53056 is in the German language. The relevance of Document No. AN4 can be ascertained by reference to the English language abstract appearing thereon.

Document AL5, published PCT WO 99/25851 is in the Japanese language. The relevance of Document No. AL5 can be ascertained by reference to the English language abstract appearing thereon.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

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should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application and before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: Oct. 23, 2001

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